HOUSE OF ASSEMBLY

NOVA SCOTIA

REPORT

COMMISSION OF INQUIRY

ON

REMUNERATION OF ELECTED

Provincial Officials

December 1, 1987

COMMISSION OF INQUIRY
ON
REMUNERATION OF ELECTED
PROVINCIAL OFFICIALS

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December 1, 1987

The Honourable Arthur R. Donahoe
Speaker of the House of Assembly
Province House
Halifax, Nova Scotia

Dear Mr. Speaker:

We were appointed as Commissioners pursuant to Chapter 29 of the Statutes of Nova Scotia, 1983, to make an inquiry and a report respecting the indemnities, allowances and salaries to be paid under the House of Assembly Act and the Executive Council Act.

Having completed our inquiry, in fulfillment of the commission assigned, we respectfully submit the accompanying report.

Yours sincerely,

George M. Mitchell

George L. White

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NOTE: Requests for additional copies of this Report and those of previous Commissioners may be made to the Office of the Speaker, House of Assembly, Halifax, Nova Scotia.

I. INTRODUCTION

The House of Assembly Act by virtue of Section 43A[1] provides that the Speaker shall on or before the 1st day of October in each year appoint persons to make an inquiry and a report respecting indemnities, allowances and salaries to be paid under the House of Assembly Act, the Executive Council Act and the Members' Retiring Allowances Act[2].

By way of a letter dated August 19th, 1987 the Speaker appointed George M. Mitchell, Q.C. and George L. White as Commissioners to carry out the inquiry required by the House of Assembly Act and the Executive Council Act and as well requested the Commissioners to review the assistance provided to Independent Members of the Legislature and to make recommendations on an appropriate level of assistance for consideration by the Internal Economy Board.

By way of a separate letter dated August 19th, 1987 the Speaker appointed George L. White as Commissioner to inquire and report on all matters arising with respect to the Members Retiring Allowances Act.

In order to assist the Commission in its duties it has sought comment, advice and assistance from a variety of sources. All of the Members currently serving in the House of Assembly were contacted and advice was sought from some former Members. A public hearing was held after two separate advertisements in all of the daily newspapers in the Province although this year no party or group made representations to your Commissioners.

The Commissioners have also met with officers of the House of Assembly and with a number of public servants associated with the work of the House and the Executive Council.

In past years the Commissioners' Report has been divided into two sections, that is, "Recommendations", of the Commission which pursuant to the provisions of Section 43A of the House of Assembly Act have the same force as if they were passed by the legislature, and, "Proposals", which generally deal with matters that have been raised with the Commissioners but which they have no clear mandate to decide. The Report this year will be no exception to the past and there are contained in the Report a number of Proposals for consideration of the Speaker, Government, Members and the Legislature and the Internal Economy Board.

As in other years, the Commissioners have in 1987 obtained recent information on remuneration and arrangements for support of the legislators in other provinces of Canada. This information has been obtained from the editors of an annual study, Canadian Legislators 1986 Comparative Study[3] published by the office of the Assembly, Queens Park, Toronto, Ontario. This is a valuable study which very easily permits the comparison of indemnities, allowances and pension arrangements prevailing in all of the legislatures of Canada.

II. INDEMNITIES, ALLOWANCES AND SALARIES: BACKGROUND CONSIDERATIONS

1. Basic Indemnities, Allowances and Salaries For M.L.A.'s and Ministers

During the calendar year 1987, a Member of the House of Assembly was entitled to an Annual Indemnity of $27,860 together with an annual expense allowance of $10,550 for a total basic remuneration of $38,410. Under the provisions of the Income Tax Act (Canada) the annual expense allowance is not considered taxable income to the Member.

In addition, during 1987 salaries were paid to certain Members in relation to the important offices they held, as follows: to the Premier $42,510; a Minister having charge of a Department (i.e., a "Minister with portfolio") $32,950; a Minister without portfolio up to $32,950; the Speaker $32,950; the Leader of the Opposition $32,950; the Deputy Speaker $16,475; and the Leader of a Recognized Party, other than the Opposition, $16,475. The recent history of basic indemnities, allowances and salaries paid to M.L.A.'s and salaried Members, since 1980, appears in Appendix E, Table E-1. A comparison of the 1986 arrangements with those prevailing in other provinces appears in Appendix E, Table E-2.

Under present provisions of s. 43A the recommendations of the Commission have the same force and effect as if enacted by the Legislature and have effect from the 1st day of January immediately following the year in which the persons are appointed to prepare the Report. Prior to 1984, annual indemnities and

allowances for Members, salaries for Officers of the House and for the Leader of a Recognized Party were all prescribed under the House of Assembly Act, while all salaries for the Premier and for the Ministers were prescribed under the Executive Council Act.

2. Additional Payments to Members for Services in the House

Some Members are assigned additional responsibilities important for the working of the House of Assembly and, consequently, they are entitled to additional remuneration for these responsibilities.

In 1987 such additional payments were as follows: House Leader ($5,000 per annum); Deputy House Leader ($3,000 per annum); House Leader of the Official Opposition ($2,000 per annum); Whip of each House ($85 per Member in the House); and Caucus Chairperson of each Party ($85 per Member in the House). These levels have not varied since 1984, or earlier in some cases. They are presently established by regulation of the Legislature Internal Economy Board.

Somewhat similar arrangements prevail in other Legislatures in Canada. Appendix E, Table E-3 is a summary of the most recent information available to this Commission, which sets forth additional payments paid to elected Members for certain responsibilities in the various Provincial Legislatures.

In last year's report, your Commissioners dealt extensively with the question of committee fees and their integration into the Members annual indemnity. As had been noted in earlier reports to the Speaker, there was a strong feeling that the Chairman of a number of committees should be entitled to additional payments due to the extra work load and time and commitment with which they would be involved.

In August of 1986 the Internal Economy Board, as an interim measure, provided for additional payments to members and Chairmen of a number of committees and this subject was then referred to your Commissioners last year for their consideration.

Included in last year's report was a proposal that a scale of payments to certain committee Chairmen be as follows:

<u>Law Amendments and Legislature Internal Economy Board</u>

- $1,500 for Chairman

<u>Private and Local Bills, Public Accounts, Industry</u>

- $1,000 for Chairman

<u>All Other Committees</u>

- $500 for Chairman

We note that the Internal Economy Board Regulations for 1987 include the Proposals of the Commission with the addition that Chairmen of special committees and select committees be remunerated by way of a payment of $1,500. As acknowledged in

earlier reports of this Commission, Members are paid a per diem fee of $100.00 plus travel and accommodation allowances for each day a committee meets when the House is not in session or outside of the Halifax Dartmouth Metropolitan area if the House is in session.

3. The Legislature and the Role of the M.L.A.

The M.L.A. in the 1980's has two basic roles. First, the Member is a legislator involved in the increasingly complex tasks of government. Second, the Member is called upon to assist and serve constituents in a multitude of ways and with all kinds of problems, sometimes of more direct concern to others than the provincial government.

In the primary role, as legislator, changes in technology, commerce and trade, social values, development issues and the rapidity of change itself have made the legislative function a more demanding vocation than it was some years ago. This is more than ever the case as government and the legislature seek to manage the affairs of the province in an era of restraint, at a time in Nova Scotia when there is both considerable economic promise and uncertainty, and when the basic philosophy of the role of government is under review at the national level. Continuing interrelations of federal and provincial governments and their public policies in such a time of change place new demands on private Members, whether in

government or in the opposition. The responsibilities are even greater for the Premier and for Ministers who are responsible for governing through the Legislature and for the administration of government.

The greater complexity of government is not only the result of increasing need for cooperation and coordination between levels of government but also for effective cooperation between the public and private sectors. M.L.A.'s are required to become familiar with and deal effectively with a wide range of issues and concerns.

While it is impossible to make a definitive assessment of the M.L.A.'s legislative workload, one measure of the increasingly complex task of government is the pattern of legislature sittings over the last two decades. Appendix E, Table E-4, sets out this pattern.

The average number of sitting days per year has increased considerably since the mid 1960's. The 48th Assembly met an average of 34 days a year and the 49th Assembly (1967-70) averaged 42 days, whereas the 52nd Assembly (1978-81) sat an average of 75 days per year, and the 53rd Assembly (1981-84) sat an average of 73 days per year.

In the last few years changes in procedure have facilitated the work of the House, especially through limitation of debate on the annual estimates in the Committee of the Whole, and sessions have tended to be shorter. In 1987 the Assembly sat for 59 days.

We note that during the session of the Legislature the Members often sit on committees during the session and as well the Legislature itself may sit for 10 to 12 hours per day if House hours are extended. In 1987 there were 22 days during which the House hours were extended. The Members must also deal with their constituency responsibilities during the evenings and on weekends. Most Members are absent from their homes and families during the Legislature session which is a sacrifice required by very few jobs or professions.

One measure that may provide some insight into the expanding work of the legislature is the number of bills passed in the House each year. The table below shows the number of acts passed over the past seven years. From 1981 to 1986 the average number of public acts was 63 and on average total acts passed was 101. In 1987 127 bills were passed, and of these 93 became public acts and the balance were private acts.

TABLE A

ACTS PASSED BY THE LEGISLATURE, NOVA SCOTIA[4]

	1981	1982	1983	1984	1985	1986	1987
Public	66	69	67	67	41	65	93
Total	132	108	100	90	72	104	127

In addition to their role in the House itself, Members also serve on standing, select or special committees. Members of the Executive Council and Officers of the House have continuing

responsibilities for policy and administration even when the House is not in session. Opposition Members generally have responsibility for monitoring and commenting upon particular aspects of government policy and practice, and not only when the House is in session. Members of all parties in the House also meet in caucus throughout the year. Thus, in the legislative role, every Member of the House spends considerable time throughout the year on business of the province whether or not the Assembly is in session.

The second role of the M.L.A. is to assist and serve constituents in a multitude of ways. While the constituency "case load" may vary from one constituency to another, and among Members, this general role has continued to grow. Members often now maintain several hundred active files of constituents' problems and concerns. M.L.A.'s are expected to deal with all manner of problems including many that are primarily the concern of other levels of government. This would seem to be particularly the case for Members serving from constituencies outside the metropolitan Halifax-Dartmouth region. No doubt the same may be true for other elected members of national or local governments, for all seek to serve their constituents who cannot be expected to be clear in our complex federal society about the actual responsibilities of each government.

Service to constituents is rendered year round. For Ministers, assistance with this service is available through the Minister's office staff. For private Members assistance with this service is provided in part through services of the caucus office

and in part by limited funds for secretarial assistance in the constituency and often by family members. For all Members from outside the Halifax-Dartmouth region service often results in a heavy "case load" of visits and calls on weekends during the period of the year when the House is in session, and regularly through the week when the House is not in session.

The level of remuneration and of support to the M.L.A. must be sufficient to allow the Member to devote the time and effort required to perform the duties expected of him. It should be adequate to permit persons without substantial private means to stand for election and to serve if elected and it should not result in significant financial hardship for those who serve. The principles relating to appropriate levels of remuneration and support set out in the report of an earlier Commission of Inquiry are attached in Appendix F, and we endorse these.

4. Support for Legislators in Other Provinces

The job of the M.L.A. is unlike any other trade or profession. Members must deal with an increasingly wide range of issues and concerns. The Member of the Assembly must act as legislator, negotiator, ombudsman, social worker, public relations officer and perform several other tasks at almost any hour of the day or night, often seven days a week and nearly 365 days a year. It is a role with no job security beyond the next election, with the Member's tenure of office subject to public endorsement or rejection at the polls every three or four years.

We believe the work cannot be compared to any other job, except that of legislators elsewhere. Thus, there is merit in comparing the role and remuneration of Nova Scotia M.L.A.'s to elected Members in similar roles in other provinces. Appendix E, Table E-2, sets out latest information on the basic indemnity and expense allowance of M.L.A.'s in the ten provinces as well as the salaries of certain Members, and Table E-3 is a summary of additional payments for service in the provincial legislatures as reported in 1986[5].

So far as we can judge measures of workload, such as sitting days, bills passed, size of constituency, number of constituents and committees of the House, it would appear that Nova Scotia Members have a workload comparable to other M.L.A.'s in most provinces in Canada, with the exception of Ontario and Quebec.

In 1986 the basic statutory remuneration of the Nova Scotia M.L.A., that is, the indemnity and general expense allowance, was comparable to the average for provincial legislators in Canada but still less than the indemnities and allowances (without considering additional payments) paid to Members in New Brunswick, Quebec, Ontario and British Columbia. Although a survey of 1987 remuneration for provincial members in Canada has not been published for 1987, given the general record of remuneration in other provinces over the past few years we believe that the 1987 basic statutory remuneration of the Nova Scotia M.L.A. is comparable to the average for provincial legislators in Canada.

5. Some Indicators of Recent Economic Changes in N.S.

Since the M.L.A.'s role cannot be compared directly with that of any other profession, trade or employment, direct comparisons of remuneration with other groups are inappropriate.

Yet the trend of changes in remuneration for others in the province may be useful in considering possible change for M.L.A.'s. In a number of our provinces and in the federal Parliament statutory provision is made for automatic annual change in remuneration for Members by formulae related to changes in provincial wages and salaries, or in public service salaries generally or in price or other indexes.

Some indicators of recent economic changes in Nova Scotia appear in Appendix E, Tables E-5 to E-7. We note that increases in unionized wage settlements under collective agreements concluded in the first two quarters of 1987 in Nova Scotia ranged from 3.2% to 5.6% and that on average were 4.2%.

The following table summarizes comparative increases in rates of earnings of certain public sector groups from 1986 to 1987.

TABLE B

Comparison of Some Changes in Earnings, Public Sector, Nova Scotia

	1986 - 1987
Member's Integrated Anual Indemnity	2%
Allowance	2%
Minister's Salaries	2%
Public Sector Salaries:	
Civil Service Management Group	3%
Deputy Ministers	3%
Provincial Judges	3%
Teachers	3%
Nurses	3%

Another factor for comparison is the rate of inflation. As measured by changes in the Consumer Price Index for Canada, the inflation rate continued through 1987 at a level significantly below that prevailing in the early 1980's. As Appendix E, Table E-7 indicates the cumulative increase from December 1978 to September 1987 was about 82.1%. We note that over the same period this compares with increases in the indemnity and allowance for M.L.A.'s of about 93.9% (although in 1978 Members were also paid committee fees in addition to their indemnity which this calculation has not taken into account) and an increase in salaries of Ministers of 56.9% for the same period. The annual increase in CPI for Canada for the latest month reported, September 1987, was 4.5% and for Halifax it was 3.6%.

In light of the various background considerations dealt with in this section of this report, we turn now to discussion of arrangements that we recommend should be made for indemnities, allowances and salaries for Members and for Ministers for 1988, and to some proposals that we believe warrant consideration. The recent history of basic indemnities, allowances and salaries paid to M.L.A.'s and salaried Members, since 1980, appears in Appendix E, Table E-1.

III. REMUNERATION FOR M.L.A.'S

As we indicated in earlier reports, we believe that it is extremely important that information relating to the salaries and indemnities, allowances, committee fees and other financial information relating to the Members of the Legislative Assembly should be freely available to the general public. This is necessary to totally eliminate any perception in the eyes of the general public that Members of the Legislative Assembly are somehow or other receiving income about which the general public knows nothing.

We are pleased that Members of opposition parties have been included on the Internal Economy Board as, apart from the report of your Commissioners, this body has a great deal to do with the payment of fees and expenses to Members of the Legislative Assembly and all of the regulations and actions of this committee are now public knowledge.

It has been interesting to your Commissioners that during their inquiries carried out over the past several months virtually no Member of the Legislative Assembly submitted a proposal for any significant increase in remuneration. While it is true that there are some Members of the House of Assembly who do receive remuneration from outside occupations or professions, it appears that many Members are becoming full-time Members without any other source of income.

Notwithstanding that the Assembly only meets for approximately four months during the spring of the year, it is becoming evident that the Legislative Committees are meeting more frequently when the House is not in session.

Furthermore, all Members of the Assembly are required to spend a significant amount of time above and beyond what might be considered the normal working hours to provide assistance, information and help to their constituents.

It is also significant to note that the Comparative Study of Salaries and Allowances for Elected Members indicates that the provinces in which Members receive more indemnity and expense allowance are the Provinces of New Brunswick, Quebec, Ontario, and British Columbia. A Nova Scotia legislator receives greater income than his counterpart in Manitoba, Alberta, Saskatchewan, Prince Edward Island and Newfoundland. The differences are not great, but the comparison confirms that the incomes of Nova Scotia legislators are reasonable.

In 1986 Provincial Non-Union Employees received wage increases of 2% and for 1987 3% with a cost of living increase projected for the year 1988. This recognizes the overall principle of restraint and budget reduction being the objective of Federal, Provincial and Municipal Governments at this time. In such a climate we believe that it would be inappropriate to recommend an increase in the Annual Indemnity and Allowances of an amount greater than 3%.

We would therefore recommend:

R-1 For the year 1988 a Member of the House of Assembly be paid an annual indemnity of $28,695 and an annual allowance for expenses of $10,865.

These would compare with the indemnity for 1987 of $27,860 and the annual allowance for expenses in 1987 of $10,550.

During the course of our enquiry, we have received several suggestions relating to the severance provisions of s. 40A of the House of Assembly Act. The purpose of this provision is to ease the return to private life of a Member who either resigns or is defeated after an election.

It is the experience of many former Members that this return to private life can be difficult and that such difficulty can increase with the years of service of a Member. In recent years the income of a Member has always been taken to include his allowance as well as his indemnity. We believe that it would be fair to include the allowance when calculating a Member's severance allowance.

We therefore recommend:

R-2 Commencing in 1988 the amount to be paid pursuant to s. 40A of the House of Assembly Act be equal to the product of the Member's years of service multiplied by .067, multiplied by the annual indemnity and allowance at the rate in force immediately before he ceased to be a Member, and in any case such severance allowance shall not be less than 25% nor greater than 100% of the said indemnity and allowance.

Payment of the allowance shall be in twelve equal monthly installments commencing thirty days after a Member ceases to be a Member. Should such a Member begin to receive payments under the Members Retiring Allowances Act while receiving the severance allowance the severance allowance payments shall forthwith cease.

IV. ADMINISTRATION AND SUPPORT, SERVICES AND FACILITIES FOR THE WORK OF PRIVATE MEMBERS AND OF CAUCUS OFFICES PURSUANT TO REGULATION

The House of Assembly Act, s. 43, authorizes the Legislature Internal Economy Board to make regulations which provide support to Members for work in both their constituencies and Halifax. The regulations for 1987 are annexed hereto as Appendix "D". Administration for the payments to Members presently falls under the jurisdiction of the Board and is handled on a daily basis by the administration staff of the Speaker's office.

The Commissioners have concluded that these funding provisions do not clearly fall within the meaning of "indemnities, allowances and salaries" about which we might make recommendations that would have to be implemented.

However during this inquiry our attention was drawn to several matters to which we shall refer without recommendation. As in past years we shall deal with these items by way of proposal which, we trust, will be considered by the Legislature Internal Economy Board in drafting any changes to their Regulations for 1988.

The measure of support which is currently provided to all Members of the House of Assembly are summarized hereunder although they are dealt with in more detail in Appendix "D". For purposes of expenses, Members are divided into two groups, that is, inside Members and outside Members. An outside Member is

defined in the House of Assembly Act as a Member who is ordinarily resident within the meaning of the Elections Act, more than 25 miles distant from the place where the House of Assembly ordinarily sits.

The levels of support, which include the Proposals made by this Commission in 1986 are as follows:

(a) The sum of $2,000 in lieu of travel expenses within a member's constituency;

(b) The sum of $300 monthly for constituency expenses payable without receipts. This sum is cumulative, if not claimed for any particular month, and is payable to all Members;

(c) The sum of $650 each month for constituency expenses including office space, secretarial, equipment, telephone, etc., which must be supported by proper receipts and which may be claimed for each inside Member;

(d) The sum of $900 each month for constituency expenses including office space, secretarial, equipment, telephone, etc., which must be supported by proper receipts and may be claimed by each outside Member;

(e) The sum of $3,000 for expenses incurred on account of postage;

(f) During a calendar year each member is entitled to be reimbursed for 52 trips between the place where he is ordinarily resident and the City of Halifax to attend sittings of the House and other business relating to his or her constituency.

There are also provisions for payment to the Caucus Office of each party, for support services for that office. The support, paid monthly, in 1987 was based upon payment of an amount equal to the number of Members of that caucus multiplied

by $255, however the regulations further provide that the Official Opposition Caucus shall not receive less than $50,000 and the New Democratic Party Caucus less than $21,000. Also casual support staff is provided on the basis of an amount not exceeding $40,000 for Government Caucus, $20,000 for Official Opposition Caucus and $6,000 for New Democratic Party Caucus.

In addition, secretarial assistance is provided to private Members through the Caucus Office of each recognized party in an amount determined by multiplying the number of private Members in the caucus by $7,000, in no case to be less than $22,000. There is further provision for secretarial assistance to the Chairman of the Government Caucus and the Chairman of the Caucus of the Official Opposition.

The New Democratic Party Caucus has expressed concern that the level of support for communications, including postage in particular, is inadequate.

After due consideration we propose:

> P-1 That the Internal Economy Board review the minimal level of Caucus office support as presently provided in Regulation 13(2) of Appendix "D" as it relates to the problem of sufficient postage only.

Apart from the comments in the preceding paragraph, there were few representations to the Commissioners that the formula providing for Caucus support was inadequate.

The question of Members receiving their indemnity and allowances at the beginning of each calendar year was raised at the public hearing held by the Commission in 1986. While we made

no Recommendations or Proposals last year, we are pleased to note that the Internal Economy Board has determined that Members will now receive their income on a quarterly or more frequent basis rather than one lump sum.

In a report of the Auditor General in 1984, it was recommended that the Supplement to the Public Accounts make disclosure of payments to Members, in particular including travel expenses for constituency and House related matters and travel expenses for committee work. We are pleased to note that in the Supplement to the Public Accounts for the fiscal year ended March 31, 1986 the total of payment to Members of the Legislative Assembly are fully documented in one simple, easy to read presentation.

V. SUPPORT FOR LEADERS OF OPPOSITION PARTIES

The House of Assembly Act provides that the Leader of the Official Opposition is to have the benefit of office facilities, equipment, secretaries, a director of research, research assistants and senior assistant. The Legislature Internal Economy Board, by regulation, provides for reimbursement of travel and related expenses of the Leader of the Official Opposition. The regulations further allow that if the Leader of the Official Opposition is an outside Member, he is to receive an allowance equivalent to that provided to a Minister for living expenses within the City of Halifax. Additionally, the Leader of the Official Opposition is entitled to a leased motor vehicle on the same basis as a Minister.

The House of Assembly Act specifies that the Leader of a recognized party is to be provided with office facilities, a secretary, a research assistant, and a senior assistant. The regulations of the Board also make provision for reimbursement of travel and related expenses of the Leader of a recognized party. Such a "Leader of a recognized party" is defined in s. 43B as "the Leader in the House of any party represented by two or more Members other than the Premier or the Leader of the Opposition whose party was a 'recognized party' in accordance with the Elections Act and had candidates standing for election for three-quarters of the seats of Members in the House and whose party received ten percent or more of the votes officially recorded in the latest general election of Members of the House".

While there is little doubt that the Leaders of the Opposition Parties would like a greater level of financial support, they are generally satisfied with what is a much superior situation for Leaders of Opposition parties than has been the experience a number of years ago.

The Leader of the Official Opposition is entitled to expenses related to travel within Nova Scotia and to expenses related to travel for two annual trips to Ottawa. Under the provisions of s. 31 of the Internal Economy Board Regulations, there is no provision for the Leader of the Official Opposition, in that capacity, to travel outside Nova Scotia to other parts of Canada for the purpose of attending to official business, such as a briefing on a significant, current issue.

The Commisioners propose:

> P-2 That the Member occupying the recognized position of Leader of the Official Opposition, in carrying out official duties outside the Province of Nova Scotia shall be entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by the Leader and one assistant on two separate occasions in each calendar year, not to exceed three (3) nights on each of the two occasions which travel support is intended to be above and beyond the existing provisions of s. 31 of the Internal Economy Board Regulations.

VI. SALARIES OF MEMBERS HOLDING OFFICE AND EXPENSES OF MEMBERS OF THE EXECUTIVE COUNCIL

This section of the report pertains to remuneration and expenses for those who hold office pursuant to the Executive Council Act and to remuneration for those who hold office in the House of Assembly.

The Premier and Ministers of the Crown (including those without portfolio) are paid a salary for their offices in accordance with the Executive Council Act. The House of Assembly Act provides an annual salary for the Speaker, Deputy Speaker, Leader of the Opposition and the leader of a recognized party (other than the Premier or Leader of the Opposition). The recent history of salaries for these offices is traced in the reports of earlier Inquiries of this nature. The summary record of salaries paid for these offices in recent years appears in Table C below.

TABLE C

SUMMARY RECORD OF SALARIES PAID TO DESIGNATED OFFICE HOLDERS 1984 - 1987

	1984	1985	1986	1987
Premier	$39,100	$40,860	$41,675	$42,510
Minister with Department	30,300	31,670	32,300	32,950
Minister without Portfolio	Up to 30,300	Up to 31,670	Up to 32,300	Up to 32,950
Speaker	30,300	31,670	32,300	32,950
Deputy Speaker	15,150	15,835	16,150	16,475

Leader of the Opposition	30,300	31,670	32,300	32,950
Leader of Recognized Party	(15,150)	15,835	16,150	16,475

Note: There was no leader of a "recognized party" in 1984.

We recommend that salaries for the several officers be increased by no more than three percent (3%) and be established as follows:

R-3 For 1988 the salary of the Premier, under the Executive Council Act, be $43,785.

R-4 For 1988 the salary of a Minister having charge of a Department, under the Executive Council Act, be $33,935.

R-5 For 1988 the maximum possible salary for a Minister without portfolio, under the Executive Council Act, be $33,935.

R-6 For 1988 the salary of the Speaker, under the House of Assembly Act, be $33,935.

R-7 For 1988 the salary of the Deputy Speaker, under the House of Assembly Act, be $16,970.

R-8 For 1988 the salary for the Leader of the Opposition, under the House of Assembly Act, be $33,935 and for the Leader of a recognized party, under the House of Assembly Act, be $16,970.

For other salaried Members for whom salaries or payment for offices are provided under regulation, we recommend:

R-9 For 1988 the salary established by regulation of the Legislature Internal Economy Board for the House Leader, for the Deputy House Leader, for the House Leader of the Official Opposition, for the Whip of each Party and for the Caucus Chairperson of each Party, in each case, be the same as in 1987.

In accordance with s. 6 of the Executive Council Act, all Members of the Executive Council are entitled to payment to indemnify them for reasonable expenses incurred for travelling or otherwise in the discharge of official duties. The Premier has been entitled to a representation allowance of $4,000 for several years to cover additional miscellaneous expenses that the person holding the office of the First Minister in the province incurs in the discharge of his duties. This should be continued.

All those members of the Executive Council who are outside Members as defined in the House of Assembly Act, are entitled to an amount to reimburse them for travelling expenses between Halifax and the constituency and for actual expenses incurred as a result of being in Halifax while a member of the Council. One of the more important allowances provided for Ministers who are "outside Members" is an allowance for rental of accommodations in Halifax, in recognition of the fact that in most cases their service to the Province requires them to have a second residence. In 1987 up to $12,000 could be recovered for costs incurred for accommodation in Halifax by these Ministers.

As was stated in the 1985 Report there are two major benefit programmes provided for the public service which have been made available to Members.

Thus the medical plan for the public service has been made available to Members on the same basis as for public servants and so has the basic group life programme. In the latter, however, we understand that the optional coverage that

may be arranged by a Member at his expense does not now provide for insurance coverage of more than the annual indemnity. It ought to provide for coverage of the total remuneration of a Member including the annual allowance for expenses.

During the course of our review this year representations again were made to us in connection with the lack of a long-term disability programme for Members of the Legislative Assembly. Such a programme exists for Civil Servants and we believe that it is important for the Government to immediately take steps to institute a long-term disability programme that will cover the Members of the Legislature.

While occurrences of incidents causing long-term disability are rare, they do, unfortunately, occur and would, if a Member of the Assembly was affected, in most cases, cause severe hardship for such Member's family.

We referred to this item in our report last year, but we understand that nothing has been done with respect to the proposal.

While it is probably correct that a programme of this nature is not an indemnity, allowance or salary with which this Commission has power to recommend, we wish to state most emphatically that the Government should implement a long-term disability programme for its Members. Indeed discussions with the officials of the Department of Finance lead us to believe that this could be done on a reasonably economic basis with the insurer currently insuring the Civil Servant sector of Government being a likely candidate to handle the much smaller group of legislators.

We would also strongly propose that such a scheme be a shared cost programme with the Provincial Government assuming at least 50% of the costs of such a programme and each individual Member the balance.

Consequently, the Commissioners propose that:

P-3 That the Internal Economy Board immediately direct the officials of the Department of Finance to investigate and establish a long-term disability programme for the Members of the Legislative Assembly and that such programme be shared on the basis whereby the Province assumes not less than 50% of the cost of such a programme for each Member of the Legislative Assembly, and to investigate the possibility of the existing group life insurance being expanded to cover the annual allowance as well as the indemnity.

VII. ASSISTANCE FOR INDEPENDENT MEMBERS

In his instructions to the Commission the Speaker of the Legislature indicated that the Legislature Internal Economy Board requested that the inquiry by your Commissioners this year include a review of assistance provided to independent Members of the Legislature.

The question of special assistance to independent Members arose initially at the time of the 54th Assembly when the Member for Cape Breton Nova became the Leader of the Cape Breton Labor Party. This party was recognized under the Elections Act, but did not meet the definition of a recognized party under the House of Assembly Act. In order to overcome these difficulties, the Internal Economy Board at that time made provisions by way of regulation, for limited office space, secretarial assistance, furniture, telephone equipment, postage and long distance telephone charges so that the Member for Cape Breton Nova could carry out his duties as Leader, which were perceived as being something more than his duties as a representative of his constituency.

As at the present time the Member for Cape Breton Nova is the Nominal Leader of a political party, but does not intend to lead that party in the next election. The Regulations of the Internal Economy Board as they apply to that Member are attached as Appendix "G".

The question of independent Members was compounded with the election of the Member for Inverness South as an independent Member. Since that Member was not a Member of a Caucus, the Internal Economy Board concluded that he also was entitled to some assistance to enable him to carry out his duties as an independent Member of the House. He was provided with assistance in Halifax by way of office space, secretarial assistance, furniture, telephone line, typewriter, and reasonable postage. The level and extent of assistance provided to the Member for Inverness South is set out in Appendix "H" attached hereto.

During the course of our preparation of this report we have had representations from a number of sources in connection with the level of support to be provided to independent Members, including each of the independent Members.

We have also received advice from Mr. Robert J. Flemming, the Editor of the publication entitled "Canadian Legislatures, the 1986 Comparative Study" and have sought advice from Speakers of two legislatures.

The Study indicates that ordinary Members are provided with private offices in four provinces and with shared caucus office space in the remaining provinces. Ontario and Quebec provide funding for staff in the provincial capital while the remaining provinces share support staff among private Members. Alberta provides further assistance. Thus there are in Canada only three provinces that provide the level of support such as are enjoyed by Nova Scotia independent Members, and in two of the three the legislature sits on a near year round basis.

Discussions with Mr. Flemming reveal that there is little support provided by other jurisdictions in Canada to independent Members over and above that provided to them as ordinary members of the Legislature.

We believe that independent Members must be able to serve their constituencies, but some care must be taken to ensure that services for independent Members at Halifax when the House is not in session not be considerably in excess of the services such a Member would receive if he or she were associated with a regular Caucus. At the request of the Commissioners the Speaker's Office has disclosed that the cost of providing Caucus office services for each independent Member and Members of the several Caucuses is:

TABLE D

ACTUAL AND FORECAST COST OF CAUCUS AND INDEPENDENT MEMBERS ON A PER MEMBER BASIS

	Actual 1986-87	Forecast 1987-88 (Oct. 31)
Government	12,009	13,934
Liberal	16,086	27,333
N.D.P.	(Included in Leader's Estimates Separately and not Calculable)	21,350
Cape Breton Nova	35,706	35,100
Inverness South	(Not established until 1987-88)	27,200

After giving the matter serious consideration, we propose that:

> P-4 The services to be provided to independent Members at the City of Halifax should be for a period in each calendar year commencing up to two weeks prior to the opening of the next usual session of the House of Assembly or any special session, and ending two weeks following the close of such session of the House of Assembly, such assistance to be limited to:
>
> (a) Office space not exceeding 300 square feet;
>
> (b) One secretary at the Civil Service classification AS(6);
>
> (c) Office furniture necessary to furnish the office;
>
> (d) Two telephone lines;
>
> (e) One typewriter; and
>
> (f) Reasonable postage.

We would also agree that independent Members should be entitled to long-distance telephone charges from the Halifax office to his constituency with respect to constituency business.

With respect to the times when the House of Assembly is not in session, we would suggest that an independent Member should be permitted to make arrangements in advance with the Administrator of the Speaker's Office to use such office space that may be available, with casual secretarial assistance to be supplied, also through arrangements with the Administrator of the Speaker's Office.

While we recognize that independent Members might well wish to have increases in staff, including research staff during the time the Legislature is in session we, for reasons previously stated, do not believe that this is appropriate or necessary to enable a Member to adequately serve his constituency.

We also note that there is available to all M.L.A.'s the services of the Legislative Library. The research capability of the Legislative Library is considerable and includes the computerized research capacity of QL Systems Limited and Info-Globe. The Library is currently expanding its data base and we have been advised by several Members who have used the services of the Library that the research results are excellent. We know the Library staff are most cooperative and that their capacities are not fully taxed. This service largely obviates the need for research capacity for independent Members or, indeed, most if not all backbenchers.

VIII. LEGISLATIVE COMMITTEES

There have always been committees of the Legislature as provided for by its Rules of Procedure, which deal with various aspects of the public and legislative responsibilities of the Legislature.

Over the years the most important committee has been the Law Amendments Committee which reviews all public legislation to come before the Legislature. The Private and Local Bills Committee is also important and it reviews legislation of a local or private nature. Great attention has also been given to the Public Accounts Committee, the Economic Development Committee and, as well, the several other committees of the House, all of which are doing increasingly useful work.

At the present time there are 10 committees of the House, not including the Internal Economy Board. As well the House from time to time appoints select or special committees and at the present time there exists the Select Committee on Trade, a Select Committee on Forestry, a Select Committee on Tourism, and a Special Committee on the Rules of the Legislature.

It is a phenomenon common to all legislatures across Canada that the work of the committees is expanding. This appears to be true in Nova Scotia, particularly during the last few years.

This phenomenon has been recognized by the government which has recently renovated the Dennis Building in Halifax to more adequately accommodate the meetings of these legislative, select and special committees. It has organized space to provide for small or large meetings and indeed, if necessary, simultaneous translation.

By way of support for these committees there have been provided a full-time clerical administrative individual and a temporary secretarial assistant. We also understand that from time to time a legislative trainee has been delegated to work with one or other of the committees as required.

This Commission has received a number of submissions suggesting that the committee system, if it is to be effective, needs greater support in terms of personnel and, in particular, some level of research or supportive staff.

We would propose that:

> P-5 The Internal Economy Board review the support staff needs of the committee office administration and individual committees, and give consideration to providing further support staff where needed.

If used properly, the committee system can act as a method of obtaining informed public views with respect to proposed legislation or policy changes, all of which would assist Members in their work as legislators and hopefully benefit the general public.

In discussions with the administrative staff of the Speaker's Office, two points were raised with the Commissioners which we have considered and we are now prepared to express the following comment.

The first is simply to confirm the current practice of the Speaker's Office when dealing with the attendance by outside Members at committee meetings in Halifax. Committee expenses are provided for in s. 11(1) of the Internal Economy Board Regulations. It has been the practice for outside Members to claim the allowances provided for in s. 30(1)(a) which allows a Member to charge $50.00 on account of expenses without receipts for each day required to travel from his place of residence to Halifax and return. This provision is limited to 52 return trips per calendar year. Where Members claim the above amount for the day's travel to Halifax and the day returning to his residence, the Administration of the Speaker's Office has been treating such a situation as constituting one of the trips referred to in s. 34 of the Regulations.

We believe that this policy is sensible and propose that it be continued.

The second point that has been raised with us deals with the ownership of furniture and equipment currently in place in the constituency offices of Members of the House of Assembly.

Members acquire furniture and equipment by way of leasehold arrangements or by direct purchase from local suppliers. Often a Member will purchase equipment and furniture in his own name and then, as part of his monthly expense of operating his office, is entitled to include this cost for reimbursement. Over a period of time the government will fully

reimburse a Member for this furniture. The result is that the government will have paid for the furniture notwithstanding it was originally purchased in the name of an individual Member.

We believe that the question of furnishing constituency offices and ultimate disposition of such furnishings should be reviewed by the Internal Economy Board for clarification and eventual regulation.

IX. SALARIES FOR OFFICERS OF THE HOUSE

The House of Assembly Act, in Part VI, designates four Officers of the House of Assembly. These officers are the Chief Clerk, Assistant Clerk, Legislative Counsel and Sergeant-at-Arms. The Chief Clerk, Assistant Clerk and Legislative Counsel are designated by the Act as appointees of the Governor in Council and under the Public Service Act the Sergeant-at-Arms is appointed by the House.

The salaries for all of these officers are presently prescribed by regulation of the Legislature Internal Economy Board. In the case of the Legislative Counsel, historically the salary for this officer was fixed by Governor in Council. Following the Report of the Inquiry Commission of 1983, an Order in Council was passed enabling the salary of this officer to be set by the Legislature Internal Economy Board.

With regard to the other officers, subsection 43(3) of the House of Assembly Act provides these salaries to be set by regulation of the Board and the regulation provides that for 1987 the salary of the Chief Clerk is $35,920, for the Assistant Clerk is $30,270, and for the Sergeant-at-Arms is $20,100.

In line with our general recommendations for salary increments, the Commissioners propose that:

> P-6 The salaries of the Chief Clerk, the Assistant Clerk and the Sergeant-at-Arms be reviewed by the Legislature Internal Economy Board and set for 1988 at a level three percent (3%) above that established for 1987.

The House of Assembly Act provides for reimbursement to Officers of the House, as may be authorized by the Speaker or other member of the Legislature Internal Economy Board, to indemnify them for reasonable expenses of travel, accommodation or otherwise incurred while absent from their ordinary place of residence in connection with business of the House or of the Province.

X. CONCLUSION

In the course of our Inquiry a variety of matters were brought to the attention of the Commissioners; not all of these have been dealt with or recorded in this Report. We do record our gratitude to the many who assisted us by oral or written submissions or by giving Commissioners the benefit of considered opinions on matters relevant to this Inquiry.

After increases of slightly less than 4.5 percent for 1985 and 2 percent for 1986 and 1987, we have recommended a 3 percent increase for 1988. We also believe that the proposal with respect to severance allowance and the proposal with respect to Members' long-term disability should be helpful to Members of the Legislature and will provide them with the kind of benefits that already exist in many of the public and private employment sectors.

We continue to believe that it is good policy to make available to the public all aspects touching upon the indemnity and allowances of Members of the Legislature which should ensure a clear understanding on this topic between the M.L.A.'s and the general public.

XI. SUMMARY OF RECOMMENDATIONS

The Commissioners make the following recommendations in their Report, after inquiry, respecting the indemnities, allowances and salaries to be paid under the House of Assembly Act and the Executive Council Act:

R-1 For the year 1988, a Member of the House of Assembly be paid an annual indemnity of $28,695 and an annual allowance for expenses of $10,865. (p. 17)

R-2 Commencing in 1988 the amount to be paid pursuant to s. 48A of the House of Assembly Act be equal to the product of the Member's years of service multiplied by .067, multiplied by the annual indemnity and allowance at the rate in force immediately before he ceased to be a Member, and in any case such severance allowance shall not be less than 25% nor greater than 100% of the said indemnity and allowance.

Payment of the allowance shall be in twelve equal monthly installments commencing thirty days after a Member ceases to be a Member. Should such a Member begin to receive payments under the Members Retiring Allowances Act while receiving the severance allowance the severance allowance payments shall forthwith cease. (p. 17)

R-3 For 1988 the salary of the Premier, under the Executive Council Act, be $43,785. (p. 25)

R-4 For 1988 the salary of a Minister having charge of a Department under the Executive Council Act, be $33,935. (p. 25)

R-5 For 1988 the maximum possible salary for a Minister without Portfolio, under the Executive Council Act, be $33,935. (p. 25)

R-6 For 1988 the salary of the Speaker, under the House of Assembly Act, be $33,935. (p. 25)

R-7 For 1988 the salary of the Deputy Speaker, under the House of Assembly Act, be $16,970. (p. 25)

R-8 For 1988 the salary of the Leader of the Opposition, under the House of Assembly Act, be $33,935, and for the Leader of a recognized party, under the House of Assembly Act, be $16,970. (p. 25)

R-9 For 1988 the salary established by regulation of the Legislature Internal Economy Board for the House Leader, for the Deputy House Leader, for the House Leader of the Official Opposition, for the Whip of each Party, and for the Caucus Chairperson of each Party, in each case, be the same as in 1987 (p. 25)

XII. SUMMARY OF PROPOSALS

The Commissioners consider that a number of matters which do not clearly fall within their commission "to make an enquiry and a report respecting the indemnities, allowances and salaries to be paid..." are worthy of further consideration by those responsible for the operations of the House of Assembly. While these are not recommendations to be implemented by the Speaker, the Commissioners, after inquiry, make these proposals:

P-1 That the Internal Economy Board review the minimal level of Caucus office support as presently provided in Regulation 13(2) of Appendix "D" as it relates to the problem of sufficient postage only. (p. 20)

P-2 That the Member occupying the recognized position of Leader of the Official Opposition, in carrying out official duties outside the Province of Nova Scotia shall be entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by the Leader and one assistant on two separate occasions in each calendar year, not to exceed three (3) nights on each of the two occasions, which travel support is intended to be above and beyond the existing provisions of s. 31 of the Internal Economy Board Regulations. (p. 23)

P-3 That the Internal Economy Board immediately direct the officials of the Department of Finance to investigate and establish a long-term disability programme for the Members of the Legislative Assembly and that such programme be shared on the basis whereby the Province assumes not less than 50% of the cost of such a programme for each Member of the Legislative Assembly, and to investigate the possibility of the existing group life insurance being expanded to cover the annual allowance as well as the indemnity. (p. 28)

P-4 The services to be provided to independent Members at the City of Halifax should be for a period in each calendar year commencing up to two weeks prior to the opening of the next usual session of the House of Assembly or any special session, and ending two weeks following the close of such session of the House of Assembly, such assistance to be limited to:

(a) Office space not exceeding 300 square feet;

(b) One secretary at the Civil Service classification AS(6);

(c) Office furniture necessary to furnish the office;

(d) Two telephone lines;

(e) One typewriter; and

(f) Reasonable postage. (p. 32)

P-5 The Internal Economy Board review the support staff needs of the committee office administration and individual committees, and give consideration to providing further support staff where needed. (p. 35)

P-6 The salaries of the Chief Clerk, the Assistant Clerk and the Sergeant-at-Arms be reviewed by the Legislature Internal Economy Board and set for 1988 at a level of three percent (3%) above that established for 1987. (p. 38)

APPENDIX "A"

FOOTNOTES

1. House of Assembly Act, R.S.N.S. 1967, c. 128, s. 43A(3)(4) as amended 1983, c. 29. (For text of s. 43A see Appendix "B").

2. See Appendix "B" for letter appointing Commission, with a copy of s. 43A of the House of Assembly Act, as enacted 1983, c. 29.

3. Canadian Legislatures: The 1986 Comparative Study, published by the Office of the Assembly, Queen's Park, Toronto, 1986, Robert J. Fleming

4. Information provided by the Office of the Legislative Counsel.

5. Information provided by the Editors, Canadian Legislatures: The 1986 Study

APPENDIX "B"

The Speaker

House of Assembly
Nova Scotia

PO Box 1617
Halifax, Nova Scotia
B3J 2Y3

902 424-5707

August 19, 1987

Mr. George White, LL.B.
Patterson Kitz
Barristers and Solicitors
P. O. Box 1068
Truro, Nova Scotia
B2N 5B9

and

Mr. George Mitchell, Q.C.
Cox, Downie & Goodfellow
Barristers and Solicitors
P. O. Box 2380, Station M
Halifax, Nova Scotia
B3J 3E5

Gentlemen:

This will confirm your appointment as Commissioners pursuant to Chapter 29 of the Statutes of Nova Scotia, 1983, to make an enquiry and a report respecting the indemnities, allowances and salaries to be paid under the House of Assembly Act and the Executive Council Act.

The Legislature Internal Economy Board has also asked me to request that you include in your enquiry this year a review of the assistance provided to Independent Members of the Legislature and make recommendations on an appropriate level of assistance for consideration by the Internal Economy Board.

I thank you for your willingness to undertake these duties and can assure you of the full co-operation of the Office of the Speaker in carrying out your work.

I look forward to receiving your report on or before December 1, 1987 as required by the Act.

Yours very truly,

Arthur R. Donahoe

Arthur R. Donahoe
Speaker

ARD:nk

APPENDIX "B" - Cont'd

AN ACT TO AMEND CHAPTER 128 OF THE REVISED STATUTES, 1967, THE HOUSE OF ASSEMBLY ACT

(Assented to the 1st day of June, A.D. 1983)

Be it enacted by the Governor and Assembly as follows:

1 Section 43A of Chapter 128 of the Revised Statutes, 1967, the House of Assembly Act, is repealed and the following Section substituted therefor:

43A (1) The Speaker, after appropriate consultation, shall on or before the first day of October in each year appoint persons to make an inquiry and a report respecting the indemnities, allowances and salaries to be paid under this Act, the Executive Council Act and the Members' Retiring Allowances Act.

(2) The persons appointed pursuant to subsection (1) shall have all the powers and privileges and immunities of a commissioner under the Public Inquiries Act and shall complete their inquiry and deliver their report containing recommendations to the Speaker on or before the first day of December in the year in which they are appointed.

(3) The Speaker, upon receipt of the report containing the recommendations of the persons appointed pursuant to subsection (1), shall cause the recommendations to be implemented and they shall have the same force and effect as if enacted by the Legislature and shall be in substitution for provisions of this Act, the Executive Council Act and the Members' Retiring Allowances Act, as the case may be.

(4) The recommendations shall apply, from the first day of January immediately following the year in which the persons are appointed to make the report, until subsequently changed.

APPENDIX "C"

ACKNOWLEDGEMENTS

The Commissioners gratefully acknowledge the contributions of those many individuals and organizations who made submissions to them or were helpful when consulted in the course of this Inquiry.

During the course of the Inquiry, advertisements, on two separate occasions, were placed in all the daily newspapers in Nova Scotia to advise the general public of the Commission's work and to invite submissions. A public hearing was held in Halifax on Thursday, November 5, 1987. This year no private person or organization made representations to the Commission.

However, the Commissioners also met with or exchanged correspondence with a considerable number of people. We acknowledge the very helpful assistance of the following persons:

Jim Barkhouse, M.L.A., Lunenburg East

Guy Brown, M.L.A., Cumberland Centre

Hon. John M. Buchanan, Q.C., Premier, M.L.A., Halifax Atlantic

O. Paul Cormier, Auditor General, Nova Scotia

Hon. Arthur Donahoe, Q.C., Speaker of the House, M.L.A., Halifax Citadel

Gerald J. Doucet, Q.C., Former M.L.A.

Percy Fleet, Superintendent of Pensions, Department of Finance

Robert J. Fleming, Director of Administration,
Ontario Legislative Assembly

J. William Gillis, M.L.A., Antigonish

John Holm, M.L.A., Sackville

Don Hubley, Administrative Coordinator,
Office of the Speaker

Hon. J. Greg Kerr, Minister of Finance,
M.L.A., Annapolis West

Mike Laffin, M.L.A., Minister of Government
Services, M.L.A. Cape Breton Center

Robert Levy, M.L.A., King's South

Rod MacArthur, Assistant Clerk of the House

Donald MacInnes, Chairman, Goverment Caucus,
M.L.A., Pictou West

Alexa McDonough, M.L.A., Halifax Chebucto,
Leader of New Democratic Party

Paul MacEwan, M.L.A., Cape Breton Nova

Hon. Vincent J. MacLean, M.L.A., Cape
Breton South, Leader of the Liberal Party

Billy Joe MacLean, M.L.A., Inverness South

S. Myles Rector, Director of Administration,
Office of the Speaker

Ross Sheppard, Public Service Commission

Gordon Sturdy, Director,
Public Service Pensions

Kenneth Streatch, Minister of Lands & Forests
M.L.A., Bedford-Musquodoboit Valley

Roland Thornhill, Minister of Development,
M.L.A., Dartmouth South

James Vaughan, Former M.L.A.

Graham Walker, Q.C., Legislative Counsel

The Commissioners wish to draw particular attention to a publication that was most helpful in their inquiry: Canadian Legislatures: The 1986 Comparative Study edited by Robert J. Fleming and published by The Office of the Assembly, Queen's Park, Toronto. This study presents a comprehensive overview of the workings of the House of Commons and the legislatures of the ten provinces and two territories. Mr. Fleming was also most helpful in providing the Commissioners with data and advice relating to 1987 where it was available.

The Commissioners acknowledge the assistance in their work of S. Myles Rector and Ms. Joan Kelly, both of the Office of the Speaker, who assisted with correspondence and advertising for the Inquiry. Ms. Kelly served as Secretary to the Commission of Inquiry and assisted with many details which made the preparation of this Report far simpler than it would have been without the benefit of her knowledge and talents.

APPENDIX "D"

LEGISLATURE INTERNAL ECONOMY BOARD REGULATION

CITATION

1 This Regulation may be cited as Internal Economy Board Regulation 1987.

AUTHORITY

2 This Regulation is made by the Legislature Internal Economy Board, pursuant to Section 43 of the House of Assembly Act, Chapter 128 of the Revised Statutes, 1967, as that Section is enacted by Chapter 39 of the Acts of 1974 and amended by Chapter 22 of the Acts of 1970-79 and Chapter 28 of the Acts of 1982, subsection (2) of Section 40 of the House of Assembly Act, as that subsection is enacted by said Chapter 39 and amended by said Chapters 22 and 28, subsection (1) of Section 40B of the House of Assembly Act, as that subsection is enacted by said Chapter 22 and amended by said Chapter 28, subsection (7) of Section 42 of the House of Assembly Act, as that subsection is enacted by said Chapter 39 and amended by said Chapter 22, and Section 6A of the Executive Council Act, as that Section is enacted by Chapter 24 of the Acts of 1982.

INTERPRETATION

3 Unless otherwise stated, in this Regulation,

(a) "economy air fare" does not include expenses incurred for the private charter of aeroplanes;

(b) "recognized party" means a party represented by two or more members and which is a recognized party in accordance with the Elections Act and had candidates standing for election for three quarters of the seats of members in the House and which received ten per cent or more of the votes officially recorded in the latest general election of the members of the House; and

(c) other words, phrases and expressions have the same meaning as in the House of Assembly Act.

HOUSE INDEMNITY-ALLOWANCE-TRAVEL-EXPENSE

Indemnity-Allowance-Salary

4 (1) Each member of the House is entitled during the year 1987 to receive a member's full indemnity and allowance

(a) at any time during that year in a lump sum payment; or

(b) where the member so requests in writing of the Chairman of the Legislature Internal Economy Board, in four, twelve or twenty-six equal instalments, each instalment being paid at equally spaced intervals throughout the year.

(2) The Clerk, the Assistant Clerk and the Sergeant-at-Arms are eligible to draw their salaries in the same manner as the members of the House of Assembly.

Franking

5 Each member of the House is entitled to receive $3,000.00 in substitution for the franking privilege and in lieu of expenses incurred on account of postage.

Outside Member Travel

6 Subject to Section 34, each outside member, except the member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of Leader of the Opposition or a leader of a recognized party, is entitled to reimbursement for actual travelling expenses calculated in accordance with Section 35 and incurred in 1987 between the place where the outside member is ordinarily resident and the City of Halifax to attend sittings of the House.

Outside Member Allowance

7 Each outside member, except the member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of leader of the Opposition or a leader of a recognized party, is entitled for attending a sitting of the House to

(a) an amount of $50.00 on account of expenses, without receipts, for each day that the outside member is in attendance at the House while the House is in session; and

(b) reimbursement in addition to that authorized by clause (a) for expenses,

(i) with proper receipts for sleeping accommodation charges only, or

(ii) notwithstanding Sections 6 and 34, for travel by the shortest and most convenient route between the place where the outside member is ordinarily resident and the place where the House ordinarily sits at the rate set out in Section 35,

incurred in attending the House while it is in session to a maximum of $75.00 per day.

Non-Outside Member and Outside Member of Executive Council Allowance

8 Each non-outside member, and each outside member who is a member of the Executive Council or the member occupying the recognized position of Leader of the Opposition or a leader of a recognized party and not entitled to submit a claim pursuant to Section 7, is entitled to an amount of $35.00, without receipts, for expenses for each day that the member is in attendance at the House while the House is in session.

Committee Fee

9 **(1)** The Chairman and each member of each Standing, Select and Special Committee of the House and the Legislature Internal Economy Board is entitled to receive a payment of $100.00 for each day on which the member attends a meeting of a Committee or the Board when the House is not sitting or the meeting is held outside the Halifax-Dartmouth metropolitan area.

(2) Notwithstanding subsection (1), no member shall receive more than one payment pursuant to subsection (1) for a day for attending more than one meeting of a Standing, Select or Special Committee of the House or the Legislature Internal Economy Board on the same day at the same place or, in the case of the Halifax-Dartmouth metropolitan area, in the Halifax-Dartmouth metropolitan area.

Committee Chairmen

10 The Chairman of each Standing Committee, each Select Committee and each Special Committee of the House is entitled to payment as follows:

(a) Law Amendments Committee - $1,500.00;

(b) Private and Local Bills Committee, Industry Committee and Public Accounts Committee - $1,000.00;

(c) all other Standing Committees of the House - $500.00;

(d) each Special Committee and each Select Committee - $1,500.00.

Committee Expenses

11 **(1)** For attendance at a meeting referred to in Section 9, the Chairman or member is entitled to receive reimbursement for

(a) actual expenses incurred in respect of accommodation, meals and other reasonable expenses incurred for the purpose of attending the meeting; and

(b) travelling expenses calculated in accordance with Section 35.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts; and

(b) not exceed the government rate for the establishment where the member stayed.

House Leaders

12 **(1)** A payment of $5,000.00 shall be made to the House Leader.

(2) A payment of $3,000.00 shall be made to the Deputy House Leader.

(3) A payment of $2,000.00 shall be made to the person recognized by the Speaker as occupying the position of House Leader of the Official Opposition.

(4) The Whip of each recognized party of the House shall receive a payment determined by multiplying the number of members of the party by $85.00.

(5) The Caucus Chairman of each recognized party of the House shall receive a payment determined by multiplying the number of members of the party by $85.00.

(6) In this Section, "member" means a duly elected member of the House but does not include the Speaker.

(7) If a payment is made pursuant to this Section to a member in the capacity of House Leader, Deputy House Leader, House Leader of the Official Opposition, Whip or Caucus Chairman, no further payment may be made pursuant to this Section in respect of that position.

CAUCUS

Offices

13 **(1)** During the period from the first day of January, 1987, to the thirty-first day of March, 1988, inclusive, in order to promote the intent of the House of Assembly Act, a payment shall be made to the Caucus Office of each recognized party for support services for that Office, such payment to be equal to the number of dollars determined by multiplying the number of Caucus members of that party in the House by $255.00, and such payment made each month.

(2) Notwithstanding subsection (1), during the period from the first day of April, 1987, to the thirty-first day of March, 1988, inclusive, the Official Opposition Caucus Office shall not receive less than $50,000.00 and the Caucus Office of the remaining recognized party, namely, the New Democratic Party, shall not receive less than $21,000.00.

(3) Expenditures of money received pursuant to this Section shall be under the control of the leader of each recognized party and, in the case of the government Caucus, the person chosen by that Caucus for that purpose.

(4) Payment pursuant to this Section shall be made to each Caucus Office only and not to an individual member of the House.

Private Member Assistance

14 (1) During the period from the first day of January, 1987, to the thirty-first day of March, 1987, to provide assistance to private members, a payment shall be made to the Caucus Office of each recognized party in the amount that is determined by multiplying the number of private members in the caucus of the party in the House by $1,500.00.

(2) Notwithstanding subsection (1), during the period from the first day of January, 1987, to the thirty-first day of March, 1987, no Caucus Office of a recognized party shall receive a sum of less than $3,750.00 pursuant to that subsection.

(3) During the period from the first day of April, 1987, to the thirty-first day of March, 1988, to provide support staff to private members, a payment shall be made to the Caucus Office of each recognized party in the amount that is determined by multiplying the number of private members in the caucus of the party in the House by $7,000.00.

(4) Notwithstanding subsection (3), during the period from the first day of April, 1987, to the thirty-first day of March, 1988, no Caucus Office of a recognized party shall receive a sum of less than $22,000.00 pursuant to that subsection.

(5) During the period from the first day of April, 1987, to the thirty-first day of March, 1988, to provide casual support staff as required, in addition to that sum authorized by subsection (3) a sum shall be paid to the Caucus Offices referred to in subsection (1) as follows:

(a) Government Caucus Office - an amount not exceeding $40,000.00;

(b) Official Opposition Caucus Office - an amount not exceeding $20,000.00;

(c) Caucus of the remaining recognized party, namely, the New Democratic Party - an amount not exceeding $6,000.00.

(6) Payment pursuant to this Section shall be made to each Caucus Office only and not to an individual member of the House.

(7) In this Section, "private member" does not include the Speaker, the member occupying the recognized position of Premier, a member of the Executive Council, the member occupying the recognized position of Leader of the Opposition nor a leader of a recognized party.

Caucus Chairmen

15 **(1)** The chairman of the Government Caucus shall be provided with an amount of money sufficient to enable the Chairman to engage the services of a secretary at the AS 11 level on the Government Administrative Support Classification and Pay Plan.

(2) The chairman of the Caucus of the Official Opposition shall be provided with an amount of money sufficient to enable the Chairman to engage the services of a secretary at the AS 11 level on the Government Administrative Support Classification and Pay Plan.

Caucus Chairmen - Expenses

16 Where the Chairman of a Caucus is an outside member, that member is entitled to claim and to be paid, in addition to any other expenses allowed the Chairman, the same allowance and reimbursement authorized for an outside member for twelve return trips between the place where the Chairman is ordinarily resident and the City of Halifax.

PREMIER

Representation Allowance

17 A representation allowance in the amount of $4,000.00 shall be paid to the Premier of Nova Scotia for the period from January 1, 1987, to December 31, 1987.

LEADER OF OPPOSITION

Expenses

18 The member occupying the recognized position of Leader of the Official Opposition, in carrying out official duties within the Province, is entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by the Leader and one assistant.

Living Allowance

19 The member occupying the recognized position of Leader of the Official Opposition, as an outside member, shall receive an allowance equivalent to that provided pursuant to the Executive Council Act to members of the Executive Council for living expenses within the City of Halifax.

Motor Vehicle

20 The member occupying the recognized position of Leader of the Official Opposition is entitled to a leased motor vehicle on the same basis as is a member of the Executive Council for a government leased or purchased motor vehicle.

LEADER OF RECOGNIZED PARTY

Expenses

21 A leader of a recognized party in carrying out official duties within the Province is entitled to be reimbursed for actual and reasonable expenses for accommodation, meals, travel and incidentals incurred by the leader and one assistant.

MEMBER FOR CAPE BRETON NOVA

Support Services

22 **(1)** The member for Cape Breton Nova shall be provided with

(a) office space not exceeding three hundred square feet;

(b) one secretary at the Civil Service classification AS6;

(c) office furniture necessary to furnish the office for the member and one secretary;

(d) one telephone line;

(e) one typewriter; and

(f) reasonable postage.

(2) Should there be any question arising from subsection (1) in respect of the office of the member for Cape Breton Nova concerning

(a) the selection of space;

(b) the selection or amount of furniture;

(c) the selection of a typewriter; or

(d) reasonable postage,

such question shall be determined by the Chairman of the Legislature Internal Economy Board.

(3) The member for Cape Breton Nova shall be entitled to the sum of $200.00 per month in lieu of additional secretarial assistance.

(4) The member for Cape Breton Nova may incur long distance telephone charges for telephone calls made from the office telephone in respect of House or constituency business.

CHIEF CLERK

Salary

23 The Chief Clerk shall be paid a salary of $35,920.00 per annum.

ASSISTANT CLERK

Salary

24 The Assistant Clerk shall be paid a salary of $30,270.00 per annum.

SERGEANT-AT-ARMS

Salary

25 The Sergeant-at-Arms shall be paid a salary of $20,100.00 per annum.

BILLS

Subscription

26 For the period from and including October 1, 1986, to and including September 30, 1987, the amount to be paid by subscribers to Bills of the House of Assembly is $80.00 for each subscription.

HANSARD

Subscription

27 For the period from and including October 1, 1986, to and including September 30, 1987, the amount to be paid by subscribers to Hansard is $80.00 for each subscription.

CONSTITUENCY MATTERS

Travel

28 Each member of the House is entitled to receive $2,000.00 in lieu of expenses incurred on account of travel within the member's constituency.

Services

29 **(1)** Each member of the House who is not an outside member is entitled to receive the sum of $300.00 per month in lieu of expenses incurred on account of services to that member's constituency and a further sum not exceeding $650.00 per month for expenses accounted for by proper receipt and incurred in services in that member's constituency for the provision of office space, meeting places, equipment, telephone, telephone answering services, advertising and secretarial services.

(2) Each member of the House who is an outside member is entitled to receive the sum of $300.00 per month in lieu of expenses incurred on account

of services to that member's constituency and a further sum not exceeding $900.00 per month for expenses accounted for by proper receipt and incurred in services in that member's constituency for the provision of office space, meeting places, equipment, telephone, telephone answering services, advertising and secretarial services.

(3) Where the maximum amount that may be claimed pursuant to subsection (1) or subsection (2) is not claimed in any month the unclaimed balance may be claimed in a subsequent month.

Attendance at Halifax

30 **(1)** Subject to Section 34, each outside member, except the member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of Leader of the Opposition or a leader of a recognized party, is entitled to

(a) an allowance of $50.00 on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for travelling expenses calculated in accordance with Section 35 and expenses for sleeping accommodation charges incurred,

for return trips between the place where the member is ordinarily resident and the City of Halifax to attend in Halifax other than to attend a sitting of the House or one of its committees.

(2) Sleeping accommodation charges incurred and claimed for pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation unless approved in advance by the Chairman of the Legislature Internal Economy Board; and

(c) not exceed the government rate for the establishment where the member stayed.

Attendance at Ottawa

31 **(1)** Each member is entitled to

(a) an allowance of $75.00 on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred,

for two return trips between the place where he is ordinarily resident and the City of Ottawa to attend in Ottawa on constituency business.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation; and

(c) not exceed the government rate for the establishment where the member stayed.

Other Attendance Outside the Province

32 (1) Where a member is not reimbursed pursuant to Section 31, that member is entitled to

(a) an allowance of $75.00 on account of expenses, without receipts, for each day; and

(b) reimbursement, in addition to that authorized by clause (a), for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred,

for one return trip between the place where he is ordinarily resident and another place in Canada outside the Province to attend that other place on constituency business.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation; and

(c) not exceed the government rate for the establishment where the member stayed.

(3) Notwithstanding subsections (1) and (2), the member is not entitled to an amount pursuant to this Section for economy air fare charges in excess of that to which the member would have been entitled pursuant to Section 31.

Legislature Internal Economy Board

33 (1) The Chairman of the Legislature Internal Economy Board is entitled to a payment of $1,500.00.

(2) The Chairman and each member of the Legislature Internal Economy Board is entitled to expenses for meetings of the Legislature Internal

Economy Board on the same basis and in the same manner as a member of a committee reimbursed pursuant to Section 11.

GENERAL

Restriction

34 No member shall be reimbursed for travel expenses authorized by Sections 6 and 30 in excess of fifty-two return trips in 1987 between the place where the member is ordinarily resident and the City of Halifax to attend in Halifax, other than for attendance at a meeting of a Select Committee, a Special Committee or a Standing Committee.

Calculation of Travel Expense

35 Each outside member of the House, the member occupying the recognized position of Leader of the Opposition and a leader of a recognized party entitled under the House of Assembly Act to receive travelling expenses is entitled to be reimbursed for claimed travelling expenses incurred out of the Consolidated Fund of the Province for travel by the shortest and most convenient route between the place where the member is ordinarily resident and the place where the House ordinarily sits or the Committee is meeting at

(a) the rate of 40.5 cents per mile or 25.2 cents per kilometre; or

(b) the cost of economy air fare plus normal airline ground transportation.

Request for Reimbursement

36 A person who makes a request for payment or reimbursement shall

(a) make the request in writing on the form provided by the Legislature Internal Economy Board;

(b) make the request within six months from the time the payment or claim for which reimbursement is made was incurred or became eligible to be paid;

(c) sign the request and certify that the request is correct; and

(d) forward the request to the office of the Speaker.

Limitation on Reimbursement

37 Notwithstanding anything contained in this Regulation, no member may claim for reimbursement an expense

(a) for which the member is reimbursed pursuant to another regulation or enactment;

(b) paid to the member's spouse, child, parent, brother or sister;

(c) paid to a person living in the same dwelling, as a member of the same household;

(d) paid to any business or on account of property in which the member or those persons mentioned in clause (b) or (c) have an ownership interest.

Payment Approval

38 **(1)** Directions for payment of indemnities, allowances, payments or reimbursements and approval of requests for payment or reimbursement shall be issued or made by the Chairman of the Legislature Internal Economy Board, the Vice-Chairman or a person designated by the Chairman.

(2) The person who approves a request for payment or reimbursement has the authority to reduce or increase the amount of the payment or reimbursement claimed where that person determines that the amount claimed is in error.

Application

39 Unless otherwise stated in a specific Section, all Sections of this Regulation apply from the first day of January, 1987, to the thirty-first day of December, 1987.

Approved by the Legislature Internal Economy Board at Halifax, Nova Scotia this 15th day of December, 1986.

Hon. Arthur R. Donahoe, Q.C.
Chairman

TABLE II

SUMMARY OF INDEMNITIES, ALLOWANCES AND SALARIES FOR M.L.A.'s

SALARIED MEMBERS AND MEMBERS OF THE EXECUTIVE COUNCIL IN NOVA SCOTIA

1980 to 1987

	M.L.A.'s		ANNUAL SALARIES IN ADDITION						
Year	Annual Indemnity	Annual Expense Allowance	Speaker	Deputy Speaker	Leader of Opposition	Leader of Recognized Party	Minister without Portfolio	Minister with Portfolio	Premier
1980	$14,800	$ 7,400	$15,000	$ 7,500	$25,000	$10,000	$ 7,500 to $25,000	$25,000	$32,000
1981	15,600	7,800	15,000	7,500	25,000	10,000	7,500 to 25,000	25,000	32,000
1982	16,400	8,200	15,000	7,500	25,000	10,000	7,500 to 25,000	25,000	32,000
1983	18,656*	9,328	29,150	14,575	29,150	14,575	7,500 to 29,150	29,150	37,630
1984	19,400*	9,700	30,300	15,150	30,300	15,150	7,500 to 30,300	30,300	39,511
1985	20,280*	10,140	31,670	15,835	31,670	15,835	7,500 to 31,670	31,670	40,860
1986	27,315	10,340	32,300	16,150	32,300	16,150	7,500 to 32,300	32,300	41,675
1987	27,860	10,550	32,950	16,475	32,950	16,475	7,500 to 32,950	32,950	42,510

* For the years 1983, 1984 and 1985 Committee fees earned on average by each member for service on committees were $8,300., $8,500., and $6,500. respectively. The "integrated annual indemnity" as referred to in the December 1, 1985 Report of the Commission of Inquiry was $26,956. for 1983, $27,900. for 1984 and $26,780. for 1985.

Appendix "E"
Table E-2

TABLE III

INDEMNITIES, ALLOWANCES AND SALARIES FOR ELECTED MEMBERS BY PROVINCE 1986

(From: Canadian Legislatures -
The 1986 Comparative Study, Edited by Robert J. Flemming)

	N.S.	N.B.	P.E.I.	NFLD.	QUE.	ONT.	MAN.	SASK.	ALTA.	B.C.
Year	1986	1986	1986	1986	1986	1986	1986	1986	1986	1986
Basic Indemnity	$27,315	$30,640	$16,400	$24,405	$41,800	$36,166	$24,136	$20,968	$25,526	$26,698
Expense Allowance	10,340	12,256	7,400	12,201	8,490	12,142	12,068	10,484	7,508	13,349
Salaries:										
Premier	41,675	41,874	41,650	44,096	54,340	44,591	26,511	37,656	47,769	36,480
Minister with Portfolio	32,300	27,917	29,400	31,970	37,620	26,499	20,531	28,327	38,896	31,283
Minister without Portfolio	7,500 to 32,300	20,938	N/A	N/A	33,440	13,306	15,548	28,327	27,592	N/A
Opposition Leader	32,300	27,917	25,100	31,970	37,620	31,054	20,531	28,327	38,896	24,762
Leader of Recognized Party	16,150	N/A	N/A	N/A	14,650	15,582	N/A	14,163	6,898	N/A
Speaker	32,300	20,938	9,400	31,970	37,620	19,560	15,500	11,054	38,896	24,762
Deputy Speaker	16,150	10,469	4,800	10,600	16,720	8,187	3,500	6,562	19,448	11,056

Newfoundland Members also receive a travel allowance of $1,060 to $5,300 depending on distance to St. John's.

NOTE: For the 1987 levels in Nova Scotia, see Tables I and II.

SUMMARY OF ADDITIONAL REMUNERATION FOR PARTICULAR RESPONSIBILITIES AND FOR COMMITTEE SERVICE IN THE LEGISLATURE BY PROVINCE

Appendix "E"
Table E-3

A. Particular Legislature Responsibilities (1986)

Responsibility	N.S.	N.B.	P.E.I.	NFLD.	QUE.	ONT.	MAN.	SASK.	ALTA.	B.C.
Parliamentary Assistant	-	-	-	$15,000	$ 8,360	$ 8,187	$2,500	$6,907	-	$3,000
Deputy Chair, C'tee of Whole	-	-	-	5,300	-	5,686	2,500	1,923	9,724	2,000
Standing C'tee, Chair	$500-1500	-	-	5,000	10,450	4,434	-	1,923/ sess.	-	-
Standing C'tee, Vice Chair	-	-	-	4,000	8,360	-	-	-	-	-
House Leader	5,000	-	-	-	-	-	-	-	-	-
Deputy Gov't House Leader	3,000	-	-	-	8,360	-	-	-	-	-
Opposition House Leader	2,000	-	-	15,900	14,630	10,121	2,500	1,923/ sess.	-	1,500
Deputy Opposition House Leader	-	-	-	-	6,950	-	-	-	-	-
3rd Party House Leader	-	-	-	-	-	7,619	-	-	-	-
Chief Gov't Whip	$85/mem.	1,500	-	5,000	14,630	10,121	2,500	3,206	-	2,000
Asst. Gov't Whip	-	-	-	-	6,950	6,936	-	1,923/ sess.	-	-
Chief Opposition Whip	$85/mem.	1,500	-	5,000	12,540	6,936	2,500	3,206/ sess.	-	1,500
Asst. Opposition Whip	-	-	-	-	6,950	5,003	-	1,923/ sess.	-	-
Chief 3rd Party Whip	$85/mem.	-	-	-	6,950	5,686	-	1,035/ sess.	-	-
Asst. 3rd Party Whip	-	-	-	-	-	4,549	-	517/ sess.	-	-
Caucus Chairperson, each Party	$85/mem.	-	-	-	-	-	-	-	-	-

B. Remuneration for Committee Service (1986)

In addition to payments for Standing Committee Chairman and Vice-Chairman, noted above, the following summary reflects arrangements reported for service as Members on House Committees:

- per diem - Saskatchewan
- per diem paid when House not sitting in Newfoundland, P.E.I., Nova Scotia, Quebec, Manitoba and Alberta, and in Ontario similar payments when House not sitting or Committees meet away from legislature while the House is sitting.
- per diem expense allowance, non-accountable, paid in New Brunswick
- established by Order in Council for specific committees in British Columbia - Members usually receive no per diem for committee work.

Source: Canadian Legislatures: the 1986 Comparative Study, Robert J. Fleming, Office of the Assembly, Queen's Park, Toronto.

APPENDIX "E"

TABLE E-4

SITTING DAYS PER SESSION OF THE NOVA SCOTIA LEGISLATURE 1967 - 1987

Year	Assembly	Session	Sitting Days
1967	49th Assembly	1st Session	4 days
1968		2nd Session	33 days
1969		3rd Session	47 days
1970		4th Session	45 days
1970-71	50th Assembly	1st Session	40 days
		2nd Session	6 days
1972		3rd Session	57 days
1973		4th Session	52 days
		5th Session	11 days
1974	51st Assembly	1st Session	41 days
1975-76		2nd Session	69 days
1976-77		3rd Session	55 days
1977-78		4th Session	58 days
1978		5th Session	54 days
1978-79	52nd Assembly	1st Session	77 days
1980		2nd Session	64 days
1981		3rd Session	83 days
1982	53rd Assembly	1st Session	87 days
1983		2nd Session	64 days
1984		3rd Session	67 days
1985	54th Assembly	1st Session	50 days
1986		2nd Session	56 days
1987		3rd Session	59 days

TOTAL DAYS OF EXTENDED HOURS 1978 - 1987

1978-79	39 days
1980	25 days
1981	38 days
1982	31 days
1983	33 days
1984	22 days
1985	16 days
1986	32 days
1987	22 days

Source: The Office of the Speaker of the House of Assembly.

APPENDIX "E"

TABLE E-5

UNIONIZED WAGE SETTLEMENTS
AVERAGE ANNUAL COMPOUND
PERCENTAGE INCREASES
1987

All Industry - Nova Scotia Certified

1st quarter base level wages	3.8%
2nd quarter base level wages	3.2%
1st quarter skilled level wages	3.8%
2nd quarter skilled level wages	3.5%

Public Administrator Sector - Nova Scotia

1st quarter base level wages	5.0%
2nd quarter base level wages	3.3%
1st quarter skilled level wages	5.3%
2nd quarter skilled level wages	5.6%

Source: Nova Scotia Department of Labour, Research Division.

APPENDIX "E"

TABLE E-6

AVERAGE SALARIES OF SELECTED PUBLIC SECTOR GROUPS

NOVA SCOTIA, 1984 - 1987

	Year	Average Salary
DEPUTY MINISTERS	April 1, 1984	$70,681.
	April 1, 1985	$73,492.
	March 30, 1986	$74,456.
	March 29, 1987	$77,027.
PROVINCIAL JUDGES	April 1, 1984	$57,000.
	April 1, 1985	$60,000.
	April 1, 1986	$61,200.
	April 1, 1987	$63,036.
CIVIL SERVICE MANAGEMENT GROUP	April 1, 1984	$39,311.
	April 1, 1985	$41,309.
	March 30, 1986	$42,136.
	March 29, 1987	$42,820.
TEACHERS**	August 1, 1984	$35,307.
	August 1, 1985	$38,131.
	August 1, 1986	$38,064.
	August 1, 1987	$40,390.
NURSES	April 1, 1984	$26,878.
	March 31, 1985	$29,130.
	March 30, 1986	$29,548.
	March 29, 1987	$29,614.

** This average includes all vocational and technical school teachers and also all supervisory allowances for principals and supervisors.

Source: Nova Scotia Civil Service Commission, November, 1987

APPENDIX "E"

TABLE E-7

CONSUMER PRICE INDEX FOR CANADA (ALL ITEMS)
1978 - 1987

(1981 = 100)

December	1978	76.5
December	1979	84.0
December	1980	93.4
December	1981	104.7
December	1982	114.4
October	1983	119.2
December	1983	119.6
October	1984	123.2
December	1984	124.1
September	1985	128.0
September	1986	133.3
September	1987	139.3

Cumulative Increase: December 1978 to September, 1987:

62.8 index points or 82.1%.

Increase September 1986 to September 1987, All items index:

for Canada as a whole	6.0 points or 4.5%
for Halifax	4.2 points or 3.6%

Source: Statistics Canada, Consumer Prices and Price Indexes

APPENDIX "F"

Principles Relating to Remuneration and Support for Members and Ministers

Identified in Previous Reports of Commissions of Inquiry in Nova Scotia in 1977 and 1982

The primary rewards in an active life of service to the public are the opportunity to serve and contribute to the resolution of social problems and to the improvement of life for all in the province. In our meetings and discussions with elected members, and former members, we have been impressed with this vision by those who so serve, and by the sincerity with which they approach their task. As in an earlier report, we again underline our considered view that over the years Nova Scotia has been singularly blessed by the willingness of able people to take their part in public life. Many have done so at considerable personal sacrifice for themselves and their families. In recent years, as at other times when remuneration for service in office has fallen behind escalating costs, many have served at substantial financial cost to themselves both in direct costs exceeding their remuneration, sometimes to the extent of several thousands of dollars, and indirect losses of income that might be derived from business, professional practice or other activities if time were not so committed to service in government, the legislature and to constituents.

At any time the financial and other circumstances of life for members elected to the legislature will vary on a personal, individual basis. Fortunately, our legislators do not fit any mold and they represent constituencies which vary in size, in economic circumstances and in social standards. From a variety of backgrounds across the province they together provide assurance that our democratic processes ultimately will work to serve our own long-run interests.

While there is no "standard" M.L.A., we have the task of assessing standards for their remuneration. In our view, that task involves developing a standard for fair and reasonable indemnities, allowances and salaries based on certain principles. Those principles enunciated in previous reports include:

1) remuneration should be adequate in light of the time and responsibilities involved in office, and the risks of disruption of career and personal opportunities so that our political parties and their leaders, upon whom parliamentary government depends, may attract the most able persons among us to seek office and not deter the best of those elected from accepting and continuing full-time service in government;

2) remuneration should be reasonable so that the person who has no personal financial resources except through his vocational earnings, which may be terminated or seriously affected if he is elected, is not dissuaded from seeking office to serve the province merely because of financial circumstances;

3) remuneration should be adequate to ensure that M.L.A.'s and Ministers are supported without unfair financial sacrifice upon them or their families, particularly for those in their prime earning years when family and other obligations are likely to be heavy.

Remuneration and support that is fair and reasonable will not unduly encourage anyone interested primarily in financial reward for the balanced judgment of political parties and of the electorate can be counted upon to reject those not primarily interested in public service. Nor will such remuneration result in any significant financial advantage for any elected member who happens to be comparatively well-to-do, for our progressive income tax structure precludes that result.

APPENDIX "F" - Cont'd

In the application of these principles a number of factors have been taken into account in previous studies including:

1) The evolving workload of M.L.A.'s, the House of Assembly and Minister's both in relation to legislative and governmental concerns of the province, and, for each member in service to constituents.

2) Changes in general economic circumstances since the last basic change in indemnities, allowances and salaries – e.g.

   - changes in inflation indexes.
   - changes in wages and salaries in the private and public sectors in the province.

3) Comparisons with levels of similar payments for service in the legislatures of other provinces of Canada.

APPENDIX "G"

LEGISLATURE INTERNAL ECONOMY BOARD REGULATION

CITATION

1 This Regulation may be cited as Internal Economy Board Regulation 1987 (Amendment One).

AUTHORITY

2 This Regulation is made by the Legislature Internal Economy Board, pursuant to Section 43 of the House of Assembly Act, Chapter 128 of the Revised Statutes, 1967, as that Section is enacted by Chapter 39 of the Acts of 1974 and amended by Chapter 22 of the Acts of 1978-79 and Chapter 28 of the Acts of 1982, subsection (2) of Section 40 of the House of Assembly Act, as that subsection is enacted by said Chapter 39 and amended by said Chapters 22 and 28, subsection (1) of Section 40B of the House of Assembly Act, as that subsection is enacted by said Chapter 22 and amended by said Chapter 28, subsection (7) of Section 42 of the House of Assembly Act, as that subsection is enacted by said Chapter 39 and amended by said Chapter 22, and Section 6A of the Executive Council Act, as that Section is enacted by Chapter 24 of the Acts of 1982.

AMENDMENT

3 Section 22 and the heading immediately preceding Section 22 of the Internal Economy Board Regulation 1987 are repealed effective the thirty-first day of March, 1987, and the following heading and Section substituted therefor:

MEMBER FOR CAPE BRETON NOVA

Support Services

22 (1) The member for Cape Breton Nova shall be provided at the City of Halifax with

(a) office space not exceeding three hundred square feet;

(b) one secretary at the Civil Service classification AS(6);

(c) office furniture necessary to furnish the office for the member and one secretary;

(d) one telephone line;

(e) one typewriter; and

(f) reasonable postage.

(2) Should there be any question arising from subsection (1) in respect of the office of the member for Cape Breton Nova concerning

(a) the selection of space;

(b) the level of the secretary within the AS(6) classification;

(c) the selection or amount of furniture;

(d) the selection of a typewriter; or

(e) reasonable postage,

such question shall be determined by the Chairman of the Legislature Internal Economy Board.

(3) The member for Cape Breton Nova may incur long distance telephone charges for telephone calls made from the office telephone in respect of House or constituency business.

(4) This Section applies during the year 1987 to the member for Cape Breton Nova on, from and after the first day of April, 1987.

Approved by the Legislature Internal Economy Board at Halifax, Nova Scotia this 4th day of March, 1987.

Hon. Arthur R. Donahoe, Q.C.
Chairman

APPENDIX "H"

LEGISLATURE INTERNAL ECONOMY BOARD REGULATION

CITATION

1 This Regulation may be cited as Internal Economy Board Regulation 1987 (Amendment Two).

AUTHORITY

2 This Regulation is made by the Legislature Internal Economy Board, pursuant to Section 43 of the House of Assembly Act, Chapter 128 of the Revised Statutes, 1967, as that Section is enacted by Chapter 39 of the Acts of 1974 and amended by Chapter 22 of the Acts of 1978-79 and Chapter 28 of the Acts of 1982, subsection (2) of Section 40 of the House of Assembly Act, as that subsection is enacted by said Chapter 39 and amended by said Chapters 22 and 28, subsection (1) of Section 40B of the House of Assembly Act, as that subsection is enacted by said Chapter 22 and amended by said Chapter 28, subsection (7) of Section 42 of the House of Assembly Act, as that subsection is enacted by said Chapter 39 and amended by said Chapter 22, and Section 6A of the Executive Council Act, as that Section is enacted by Chapter 24 of the Acts of 1982.

AMENDMENT

3 The Internal Economy Board Regulation 1987 is amended by adding immediately following Section 22 thereof the heading "MEMBER FOR INVERNESS SOUTH" and the following Section:

MEMBER FOR INVERNESS SOUTH

Support Services

22A (1) The member for Inverness South shall be provided at the City of Halifax with

(a) office space not exceeding three hundred square feet;

(b) one secretary at the Civil Service classification AS(6), provided however that the maximum expenditure for secretarial remuneration does not exceed fifty per cent of the remuneration payable for the period from the first day of April, 1987, to the thirty-first day of December, 1987, to a secretary within the AS(6) classification;

(c) office furniture necessary to furnish the office for the member and one secretary;

(d) one telephone line;

(e) one typewriter; and

(f) reasonable postage.

(2) Should there be any question arising from subsection (1) in respect of the office of the member for Inverness South concerning

(a) the selection of space;

(b) the level of the secretary within the AS(6) classification;

(c) the selection or amount of furniture;

(d) the selection of a typewriter; or

(e) reasonable postage,

such question shall be determined by the Chairman of the Legislature Internal Economy Board.

(3) The member for Inverness South may incur long distance telephone charges for telephone calls made from the office telephone in respect of House or constituency business.

(4) This Section applies during the year 1987 to the member for Inverness South on, from and after the first day of April, 1987.

Approved by the Legislature Internal Economy Board at Halifax, Nova Scotia this 26th day of March, 1987.

Hon. Arthur R. Donahoe, Q.C.
Chairman

HOUSE OF ASSEMBLY

NOVA SCOTIA

REPORT

COMMISSION OF INQUIRY

ON

REMUNERATION OF ELECTED

Provincial Officials

December 1, 1987

(Members' Retiring Allowances Act)

COMMISSION OF INQUIRY
ON
REMUNERATION OF ELECTED
PROVINCIAL OFFICIALS

George M. Mitchell, Q.C.
George L. White

HOUSE OF ASSEMBLY
P.O. BOX 1617
HALIFAX, NOVA SCOTIA
B3J 2Y3

December 1, 1987

The Honourable Arthur R. Donahoe
Speaker of the House of Assembly
Province House
Halifax, Nova Scotia

Dear Mr. Speaker:

I was appointed as Commissioner pursuant to Chapter 29 of the Statutes of Nova Scotia, 1983, to make an inquiry and a report respecting the allowances to be paid under the Members' Retiring Allowances Act.

Having completed the inquiry, in fulfilment of the commission assigned, the undersigned respectfully submits the accompanying report.

Yours sincerely,

George L. White
Commissioner

NOVA SCOTIA

COMMISSION OF INQUIRY

ON

REMUNERATION OF ELECTED

PROVINCIAL OFFICIALS

(MEMBERS' RETIRING ALLOWANCES ACT)

REPORT

1 DECEMBER, 1987

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I. INTRODUCTION

In accordance with Section 43A of the House of Assembly Act, the Speaker of the House appointed a Commission by letter dated August 19th, 1987, "to make an inquiry and a report respecting the allowances to be paid under the Members' Retiring Allowances Act."[1]

In the course of the inquiry, the Commission followed the same procedure as outlined in the introduction of the foregoing Report of the Commission of Inquiry respecting the House of Assembly Act and the Executive Council Act.

In the course of its inquiry one year ago, the Commission had the benefit of consultation with Mr. Brian L. Burnell, FCIA, FIA, ASA, Manager and Actuary of the Wyatt Company, Halifax, N.S., respecting various aspects of the Members' Retiring Allowances Act. Mr. Burnell, who is a recognized expert in employee benefit and compensation plans, had previously conducted various studies for the Minister of Finance with respect to the Members' Retiring Allowances Act. The Commission has also consulted with officials of Revenue Canada Taxation, Ottawa, about its administrative rules with respect to retiring allowances for elected members and the registration requirements in accordance with s.248(1) of the Income Tax Act. These informal discussions pertained to some of the matters under review which are noted later in this report.

The Superintendent of Pensions for the Province of Nova Scotia, namely Mr. Percy Fleet and the Director of Public Services Pensions, Department of Finance, Mr. Gordon Sturdy, have been of great assistance to the Commission. Also, although my fellow Commissioner with regard to the Inquiry under the House of Assembly Act and the Executive Council Act, Mr. George M. Mitchell, Q.C., has been unable to join in the recommendations of this Report respecting the Members' Retiring Allowances Act, I wish to acknowledge my debt to Mr. Mitchell whose previous experience in the Legislature and in the Ministry was immensely helpful in the conduct of the inquiry and in consideration of the matters at issue.

As a Commission appointed by Mr. Speaker, I am authorized under the House of Assembly Act to make "an inquiry and a report respecting allowances to be paid under the Members' Retiring Allowances Act". Accordingly, any recommendations contained in this Report would be made with the expectation they will be acted upon effective January 1, 1988 pursuant to Section 43A of the House of Assembly Act.

II. RETIRING ALLOWANCES IN NOVA SCOTIA

The Members' Retiring Allowances Act establishes a pension account for Members of the Legislative Assembly. Members contribute and Government makes an equal contribution and credits interest on the balance in the account from time to time. If at any time the account is insufficient to make payment provided under the Act, the account is then to be credited with sufficient funds for this purpose from the Consolidated Fund of the Province.

The following summary describes the arrangements that now prevail for existing Members. It should be noted that not all of the arrangements outlined would apply to the service by existing Members for the years prior to 1982.

Eligibility for an allowance - a Member must contribute to the account and must have served in two General Assemblies for five years or more, must have attained age 55 and ceased to be a Member, or ceased to be a Member and be totally disabled, or must have died in which case an allowance is payable to a surviving spouse and dependent children. By regulation a person otherwise qualified for an allowance but who has not reached the age of 55 years may

elect to take an actuarially reduced pension at an earlier age than 55 years.

Contribution by a Member - A Member contributes at the rate of 8% of the indemnity and annual allowance for expenses paid to him, and salaried Members and Ministers contribute 8% of the salary paid to them for their office.

Years of Contribution and Benefits - The maximum years of contribution to the plan are 15 years and for Members benefits accumulate, for each year of contribution and service, at the rate of 5% of the average annual indemnity and expense allowance during the last three years of service. The maximum benefit cannot exceed 75% of the average annual indemnity and expense allowance during the last three years of service. Salaried Members and Ministers are entitled to additional allowances accumulating at the same rate (5%) of the average salary payment for the three highest years of salaried service (or if salaried service is less than three

years, then the average is that of the actual years served).

Benefits and the Impact of Inflation - By regulation under the Members' Retiring Allowances Act, allowances paid have been increased in recent years by applying the same indexing factor as has been applied to pensions payable under the Public Service Superannuation Act. Thus former Members or their dependents paid an allowance have the benefit of these arrangements to offset, in part at least, the impact of inflation on the benefits paid. Arrangements similar to these are also applied to those entitled to a deferred allowance, so that the deferred allowance increases in the same way as allowances being paid.

Survivors Benefits - Where a Member dies in office or a former Member entitled to an allowance dies, his or her surviving spouse is entitled to an allowance of 60% of the allowance payable to the deceased and for each dependent child this ratio is increased by 10% to a maximum of 40% of the allowance.

III. COMPARISON WITH OTHER JURISDICTIONS

It is common practice in all legislative jurisdictions in Canada to provide for retiring allowances for former members of the legislature and additional allowances for those who have served in salaried offices, for example, the Premier or Prime Minister, Ministers, the Speaker, the Leader of the Opposition. These plans reflect the need to provide adequately for those who have served in elected office, often during their most productive years, usually, as in the cases of most ministers, at the price of foregoing other career opportunities, and generally, once elected, dependent upon the will of the electorate more than on the individual's decisions for continuance in elected office.

Arrangements do differ somewhat from one legislative jurisdiction to another, most particularly in relation to:

1) the contribution rate of Members - from 7% in Newfoundland to 11% in the case of the Parliament of Canada;

2) the component of remuneration on which the allowance and contributions are based - in the case of three Legislatures it is the indemnity only, and in the case of eight others, including Nova Scotia, it is the indemnity and general allowance;

3) the age or formula of age plus years of service at which one qualifies for an allowance, having ceased to be a Member - information regarding the requirements of various provinces and the House of Commons is somewhat inconsistent. Based upon the information published in Canadian Legislatures,[2] the age or formula of age plus years of service is as follows:

No age requirement

Parliament of Canada

New Brunswick

Quebec

Years of service plus age

Ontario - years of service plus age equals 55

Newfoundland - years of service plus age equals 60, for Premier 55

British Columbia - years of service plus age equals 60, or upon attaining age 55

Manitoba - years of service plus age equals 55

Age requirement

Prince Edward Island - age 50

Saskatchewan - age 50

Alberta - age 55

Nova Scotia - age 55

4) the annual rate of accumulation of the allowance and the maximum ratio of allowance to remuneration - here a number of other jurisdictions are comparable to Nova Scotia at a rate of 5% for each year of service for a maximum ratio of 75% of remuneration paid before retirement although a few have a higher maximum ratio; in some provinces the rate of accumulation and the maximum ratio of allowance to remuneration are different.

5) arrangements for a surviving spouse and dependent children - the arrangements in Nova Scotia for payment to a surviving spouse of 60% of the allowance to which a deceased former Member would have been entitled and 10% of the allowance on account of dependent children is generally comparable to the majority of other provinces.

IV. MATTERS REVIEWED

As the result of recent pension reform in Nova Scotia, the new Pension Benefits Act[3] provides that pension contributors acquire a vested interest in their plan after two years of membership. However, this provision in the Pension Benefits Act does not extend to the Members Retiring Allowances Act. Presently, the Act provides for vesting upon service as a Member for at least five years during two or more General Assemblies in Section 7(1B) and regulations pursuant to Section 15B. The conditions for vesting in other provinces vary, but are generally consistent with those presently in effect under the Act in Nova Scotia and for that reason it is not recommended that the vesting provisions be changed at this time.

In the 1985 report of the Commission of Inquiry, it was proposed that there be a further review and consideration be given to possible reduction of the age of eligibility for an allowance, perhaps by permitting an allowance for former Members who age and years of service contribution equals 60. While some have noted the present age of eligibility of 55 is lower than that enjoyed in most corporate and public service pension plans, it is significant to compare that only one other province, namely Alberta, requires a Member to attain the age of 55 before receiving the full pension. In two provinces, as well as

the House of Commons, the pension is payable immediately upon ceasing to be a Member. In four provinces, provision is made for payment of the pension upon the number of years of service and age equalling a specified number, such as 55 or 60. In two other provinces, provision is made for the pension to be payable at age 50.

The Federal Government is in the process of reviewing the provisions of registered pensions plans, including those of elected Members. The Commission assumes that legislation currently being drafted will in all likelihood be discussed with each provincial Department of Finance before implementation and it is inappropriate for the Commission to make any significant alterations to the allowance in light of impending federal changes. Former Members, who frequently cease to serve as Members not at their own choosing, can have significant difficulty re-entering the work force or business world thereby leaving themselves and their families with considerable permanent sacrifice arising from their years of public service. It may well be that the new federal legislation will provide specific rules to legislative pension plans but it is, in the Commissioner's view, incumbent on the Nova Scotia Department of Finance to advise Members on the impact of the new proposed federal legislation once published. This new legislation may ultimately require changes in the statutory provisions of the Members' Retiring Allowances Act.

Some former Members, whose service in the House was many years ago at a time when the indemnity and allowance was relatively modest, have indicated that as a result of the low income paid to Members during those years, the present level of allowance payable under the Act for former Members on pension is minimal. It has been indicated that some former Members are attempting to organize a former Members' association for the purpose of highlighting issues of this nature. Presumably, this would provide former Members with an organization through which representatives can make public presentations to the Inquiry Commission which would enable matters of this nature to be discussed and considered in a public manner.

I. SUMMARY OF RECOMMENDATIONS

There are no recommendations for changes in the Members' retiring allowance at this time. Improvements in the provisions over the past several years have provided Members and former Members with a plan that is reasonably comparable to those in place for elected officials in other provinces.

It is expected that draft legislation providing for changes in the Income Tax Act will impact upon certain provisions of the Members' Retiring Allowances Act. It may be appropriate for statutory changes to be made in the Members' Retiring Allowances Act in 1988 once the draft federal legislation is published. It would therefore be appropriate that Members be advised by officials of the Nova Scotia Department of Finance on these matters as soon as information becomes available from officials of the federal Department of Finance.

Appendix "A"

FOOTNOTES

[1] R.S.N.S. 1967, c.181, as amended.

[2] Canadian Legislation: The 1986 Comparative Study, published by the Official Assembly, Queen's Park, Toronto, 1986, Robert J. Flemming.

[3] 1987 S.N.S. c.11, p.379.

Appendix "B"

The Speaker

House of Assembly
Nova Scotia

PO Box 1617
Halifax, Nova Scotia
B3J 2Y3

902 424-5707

August 19, 1987

Mr. George White, LL.B.
Patterson Kitz
Barristers and Solicitors
P. O. Box 1068
Truro, Nova Scotia
B2N 5B9

Dear Mr. White:

This will confirm your appointment as Commissioner pursuant to Chapter 29 of the Statutes of Nova Scotia, 1983, to make an enquiry and a report respecting the allowances to be paid under the Members' Retiring Allowances Act.

I thank you for your willingness to undertake these duties and can assure you of the full co-operation of the Office of the Speaker in carrying out your work.

I look forward to receiving your report on or before December 1, 1987 as required by the Act.

Yours very truly,

Arthur R. Donahoe

Arthur R. Donahoe
Speaker

ARD:nk